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1966 JUN 6 AM 8:30

DEPARTMENT OF STATE
DATE: 10/2/81

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SUBJ: ELECTION LAW DRAFTING COMMITTEE

REF: EMBTEL 5300 - Pol 14 Viets

1. ELECTION LAW DRAFTING COMMITTEE HELD FINAL SESSION MORNING JUNE 6. COMMITTEE RETURNED UNEXPECTEDLY TO RECOMMENDATIONS SUB-COMMITTEE TWO AND AMENDED ARTICLE 8 BY DROPPING FINAL SENTENCE BEGINNING "SUIT AGAINST DEPUTY". SENTENCE THEN ADDED AT END OF ARTICLE 8 WHICH READS "IN THE CASE OF SUITS AGAINST DEPUTIES BASED ON 'FLAGRANTE DELICTO' EVIDENCE, THE SUIT WILL BE SUSPENDED DURING THE TENURE OF THE ASSEMBLY IF THERE IS A REQUEST BY TWO-THIRDS OF THE TOTAL NUMBER OF DEPUTIES. IF THE DEPUTY IN QUESTION HAS BEEN ARRESTED, HE WILL BE IMMEDIATELY RELEASED."

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2. COMMITTEE WILL PRESENT ITS RECOMMENDATIONS TO GVN JUNE 7 AND WILL HOLD PRESS CONFERENCE MORNING JUNE 8.

3. FINAL TEXT SUBCOMMITTEES ONE AND THREE UNDER PREPARATION. LODGE
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PASSED S/S-O, WHITE HOUSE, USIA, CIA, NSA June 6 AND DOD

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III MAF PASS AMCONSUL DANANG 454 POLAD THOMSEN
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1966 JUN 6 AM 4 40

SUBJ.: ELECTORAL LAW DRAFTING COMMITTEE

1. FOLLOWING IS UNOFFICIAL TRANSLATION OF FINAL VERSION OF RECOMMENDATIONS OF SUBCOMMITTEE TWO (ORGANIZATION OF CONSTITUTIONAL CONVENTION). UNDERSTAND RECOMMENDATIONS WILL GO TO GVN IN THIS FORM JUNE 7 OR 8. FINAL RECOMMENDATIONS SUBCOMMITTEES THREE AND ONE BY SEPTEL AS AVAILABLE.

2. ART. 1-THE NATIONAL CONSTITUENT ASSEMBLY, ESTABLISHED BY VIRTUE OF DECREE LAW 14/66 OF APRIL 14, 1966, WILL BE ORGANIZED AND

PAGE 2 RUMJIR 655A/1 UNCLAS
ADMINISTERED AS FOLLOWS:

CHAPER I

COMPOSITION AND MEANS OF CONVENING

ART. 2-REPRESENTATIVES OF THE PEOPLE AT THE NATIONAL CONSITUENT ASSEMBLY WILL BE CALLED "DEPUTIES" (DAN BIEU).

ART. 3- DEPUTIES WILL BE ELECTED BY GENERAL ELECTIONS, THROUGH DIRECT, SECRET BALLOT. THE NUMBER OF DEPUTIES, FORM OF ELECTION, AND CONDITIONS FOR CANDIDATES WILL BE FIXED BY THE DECREE-LAW ON ELECTIONS.

ART.4- THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE IS CHARGED WITH THE MISSION OF CONVENING THE FIRST SESSION OF THE NATIONAL CONSTITUTIONAL ASSEMBLY, AT THE LATEST 15 DAYS AFTER THE ELECTION. FOLLOWING THIS 15 DAY PERIOD, IF THE ASSEMBLY HAS NOT BEEN CONVENED, THE WINNING CANDIDATES WILL AUTOMATICALLY MEET IN SAIGON 20 DAYS AFTER THE ELECTION.

CHAPTER II

THE STATUTE OF DEPUTIES

MICROFILMED BY RSA

ART. 5- DEPUTIES WILL BE GRANTED SALARIES AND ALLOWANCES AS FIXED BY ANOTHER DOCUMENT, TO BE DRAWN UP AT A LATER DATE.

ART.6-DEPUTIES CANNOT SIMULTANEOUSLY HOLD OTHER POSITIONS WHICH ARE PAID OR APPOINTED BY THE GOVERNMENT. CIVIL SERVANTS AND MILITARY PERSONNEL ELECTED TO THE ASSEMBLY MUST GO ON LEAVE WITHOUT PAY STATUS.

ART. 7- DEPUTIES MAY SERVE SIMULTANEOUSLY IN POSITIONS TO WHICH THEY ARE ELECTED BY THE PEOPLE. THEY MAY ALSO TEACH IN UNIVERSITIES AND TECHNICAL COLLEGES.

IN ANY CASE, DEPUTIES MAY NOT PARTICIPATE IN BIDS AND CONTRACTS WITH GOVERNMENT INSTITUTION.

ART. 8- DEPUTIES WILL NO BE SUED, SEARCHED, OR ARRESTED FOR OPINIONS EXPRESSED OR VOTES MADE IN THE NATIONAL ASSEMBLY OR IN NATIONAL ASSEMBLY COMMITTEES, EXCEPT IN THE CASE IN WHICH 2/3 OF THE NATIONAL ASSEMBLY MEMBERSHIP CONFIRMS THAT THE OPINIONS EXPRESSED HAVE BEEN AIMED AT MAKING PROPAGANDA SUPPORING THE POLICY OR ACTIVITIES OF THE COMMUNISTS AND NEUTRALISTS.

DURING THE WHOLE TERM OF THE NATIONAL CONSTITUENT ASSEMBLY, DEPUTIES CANNOT BE USED, SEARCHED, HELD OR TRIED FOR A CRIMINAL OR PETTY OFFENSE UNLESS 2/3 OF THE NATIONAL CONSTITUENT ASSEMBLY MEMBERSHIP AGREES TO THE ACTION, EXCEPT IN THE CASE OF

"FLAGRANTE DELICTO" ACCORDING TO THE CORRECT DEFINITION OF THE LAW.

SUIT AGAINST A DEPUTY OR THE ARREST OF A DEPUTY WILL BE STOPPED IF THERE IS A REQUEST FROM THE ASSEMBLY.

ART.9-IN THE FIRST SESSIONS OF THE CONSTITUENT ASSEMBLY, THE ASSEMBLY WILL EXAMINE THE LEGAL ELIGIBILITY OF THE WINNING CANDIDATES.

CHAPTER III
ADMINISTRATION

ART.10-THE OFFICE OF THE NATIONAL CONSTITUENT ASSEMBLY WILL BE ELECTED BY RELATIVE MAJORITY AND SECRET BALLOT, EXCEPT FOR THE CHAIRMAN WHO MUST BE ELECTED BY A MAJORITY OF 2/3 OF THE NATIONAL

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CONSTITUENT ASSEMBLY MEMBERSHIP. IF, AFTER TWO ROUNDS OF VOTES, THE 2/3 MAJORITY OF MEMBERSHIP IS NOT REACHED, THE NORMAL RELATIVE MAJORITY WILL SUFFICE, ON THE THIRD BALLOT, TO ELECT THE CHAIRMAN.

ART. 11-THE OFFICE OF THE NATIONAL CONSTITUENT ASSEMBLY WILL BE COMPOSED OF: 1 CHAIRMAN, 2 DEPUTY CHAIRMEN, 1 SECRETARY GENERAL, AND A NUMBER OF DEPUTY SECRETARY GENERALS.

UNTIL THE COMPLETE ELECTION OF THE OFFICE OF THE NATIONAL CONSTITUENT ASSEMBLY, THE OLDEST DEPUTY WILL PRESIDE, WITH THE YOUNGEST

DEPUTY AS SECRETARY.

ART. 12-UNTIL ITS INTERNAL REGULATIONS ARE MADE, THE NATIONAL CONSTITUENT ASSEMBLY WILL HOLD A LEGAL SESSION IF ATTENDED BY 1/2 OF ITS MEMBERSHIP. IT WILL MAKE DECISIONS BY ABSOLUTE MAJORITY OF THOSE PRESENT EXCEPT IN THE CASE DESCRIBED IN ARTICLE 10.
(MORE)
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NOTE: Advance copy to S/S-O at 4:50 a.m., June 6, 1966

NOTE: Passed White House, DOD, CIA, USIA, NSA at 4:40 a.m., June 6, 1966

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NSC ART. 13- THE NATIONAL CONSTITUENT ASSEMBLY MAY ACCEPT
INR THE RESIGNATION OF DEPUTIES.
NIC
AID IN THE CASE OF RESIGNATION, DEATH OR IRREGULARITIES
IN THE ELECTION OF A DEPUTY, A SEPARATE ELECTION WILL BE
ORGANIZED TO REPLACE THE DEPUTY LOST BY RESIGNATION,
DEATH OR IRREGULARITIES IN ELECTION. THE ELECTION WILL
RSR FOLLOW THE FORM PRESCRIBED IN THE ELECTION LAW FOR THE
NATIONAL CONSTITUTIONAL ASSEMBLY, AND THE ELECTION WILL

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BE HELD WITHIN TWO MONTHS.

CHAPTER IV

FUNCTIONS

ART. 14- THE NATIONAL CONSTITUENT ASSEMBLY HAS THE DUTY OF DISCUSSSING AND FRAMING THE CONSTITUTION OF THE REPUBLIC OF VN.

DURING THE PERIOD OF DISCUSSION OF THE CONSTITUTION, THE GOVERNMENT MAY GIVE SUGGESTIONS THROUGH NOTES SENT TO THE NATIONAL CONSTITUENT ASSEMBLY.

THE CONSTITUTION MUST BE APPROVED BY 2/3 OF THE TOTAL NUMBER OF DEPUTIES IN THE ASSEMBLY. NATURALLY, IF THE 2/3 MAJORITY CANNOT BE ACHIEVED IN TWO ROUNDS OF VOTING, IN THE THIRD BALLOT ONLY AN ABSOLUTE MAJORITY OF THE TOTAL NUMBER OF DEPUTIES IS REQUIRED.

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ART.15- THE NATIONAL CONSTITUENT ASSEMBLY ALSO HAS THE LEGISLATIVE FUNCTION.

ART 16- THE MAXIMUM PERIOD DEVOTED TO THE ELABORATION OF THE CONSTITUTION WILL BE 6 MONTHS, AT THE LATEST, 7 DAYS AFTER THE APPROVAL OF THE CONSTITUTION, THE NATIONAL CONSTITUENT ASSEMBLY SHOULD TRANSMIT THE CONSTITUTION TO THE NATIONAL LEADERSHIP COMMITTEE FOR

PROMULGATION.

ART 17- THE CHAIRMAN OF THE NATIONAL LEADERSHIP COMMITTEE WILL PROMULGATE THE CONSTITUTION. WITHIN 15 FULL DAYS FOLLOWING THE RECEPTION OF THE CONSTITUTION. AFTER THE 15 DAY PERIOD THE CONSTITUION WILL AUTOMATICALLY COME INTO EFFECT.

CHAPTER V

TERM AND DISSOLUTION

ART.18- THE NATIONAL CONSTITUENT ASSEMBLY MAY BE CHANGED INTO A LEGISLATIVE ASSEMBLY IF THE CONSTITUTION HAS SUCH A PROVISION. IN THE CASE THAT THE CONSTITUTION DOES NOT HAVE SUCH A PROVISION, THE FUNCTION OF THE NATIONAL CONSTITUENT ASSEMBLY WILL NATURALLY END WHEN THE LEGISLATIVE ASSEMBLY IS ESTABLISHED.

DIEN HONG CONFERENCE HALL JUNE 5, 1966
FOR THE CHIARMAN, SECRETARY GENERAL

NGUYEN VAN HUYEN NGUYEN THIEN NHON

LODGE

ADVANCE COPY TO S/S-O 6/6/66, 4:56 A.M.
PASSED WHITE HOUSE, DOD, CIA, USIA, NSA 6/6/66, 4:56 A.M.